

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CHRISTOPHER M. RODRIGUEZ	§	
	§	CIVIL ACTION NO. 5:21-cv-0075
V.	§	(Jury Trial Demanded)
	§	
HAIDER ABBAS AL-KINDI and	§	
SUNRISE TRUCKING, INC.	§	

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS:

DEFENDANTS, HAIDER ABBAS AL-KINDI and SUNRISE TRUCKING, INC. file this, their Notice of Removal of a state-court action, pursuant to 28 U.S.C. §§1441(a), 1446(a), and would respectfully show the Court the following:

I. INTRODUCTION

1. Plaintiff Christopher M. Rodriguez ("Plaintiff") filed his Original Petition to commence this civil action in the 224th Judicial District Court of Bexar County, Texas styled *Christopher M. Rodriguez v. Haider Abbas Al-Kindi and Sunrise Trucking, Inc.*, Cause No. 2020CI24812, on December 30, 2020.

2. Defendants HAIDER ABBAS AL-KINDI and SUNRISE TRUCKING, INC. were served with Plaintiff's Original Petition on or about January 9, 2021. Defendants HAIDER ABBAS AL-KINDI and SUNRISE TRUCKING, INC. timely file this notice of removal within the 30-day time period required by and pursuant to 28 U.S.C. §1446(b)(1).

II. BASIS FOR REMOVAL

3. Removal is proper because there is complete diversity between the parties, as detailed herein, and the amount in controversy exceeds \$75,000.00.

4. At the time the state-court action was commenced and as of the date of this notice, Defendant HAIDER ABBAS AL-KINDI was and is a citizen of the State of Michigan.

5. At the time the state-court action was commenced and as of the date of this notice, Defendant SUNRISE TRUCKING, INC. was and is a corporation organized, formed, and incorporated in and under the laws of the State of Michigan, having its principal offices in the State of Michigan. The Plaintiff, Christopher M. Rodriguez, is a citizen of the State of Texas.

6. Plaintiff alleges that as a direct and proximate result of Defendant's actions, he now seeks to recover damages relating to:

- a. Past and future medical expenses;
- b. Past and future physical pain and mental anguish;
- c. Past and future physical impairment;
- d. Past and future disfigurement;
- e. Past and future loss of household services;
- f. Past and future loss of earning capacity; and
- g. Past and future loss of enjoyment of life.

7. In Texas, all original pleadings that set forth a claim for relief must contain a specific statement of the relief the party seeks, pursuant to Texas Rules of Civil Procedure 47(c). In Plaintiff's Original Petition, Plaintiff asserts damages over \$1,000,000, and for all other relief to which Plaintiff is justly entitled. It is therefore facially apparent from Plaintiff's initial pleadings that he is demanding monetary relief in an amount that exceeds the minimum jurisdictional amount of \$75,000.00. 28 U.S.C. §§1332(a); 1446(c)(2).

8. There are no other defendants in this case that would require consent to removal. 28 U.S.C. §1446(b)(2)(A).

9. A copy of all process, pleadings, and orders served upon Defendant in the state-court action are attached hereto as “Exhibit A,” as required by 28 U.S.C. §1446(a) and Local Rule 81.

10. Venue is proper in this district court because this district and division encompass the place in which the state-court action is pending.

III. JURY DEMAND

11. Defendants have made a jury demand in the state-court action; therefore, Defendants are not required to renew their demand. Fed. R. Civ. P. 81(c)(3)(A).

PRAYER

WHEREFORE, Defendants HAIDER ABBAS AL-KINDI and SUNRISE TRUCKING, INC. respectfully request that this action proceed in this District Court as an action properly removed to it, and for such other and further relief to which they may be justly entitled.

Respectfully submitted,

LUCERO | WOLLAM, P.L.L.C.

/s/ Erik R. Wollam

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 29th of January, 2021, a true and correct copy of the foregoing was sent or delivered to all parties through counsel of record pursuant to Rule 21a TRCP.

Via Electronic Service:

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/s/ Erik R. Wollam

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